



IPW

Patent
Attorney's Docket No. 1022702-000211

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Michel Foulon et al.)	Group Art Unit: 1796
)	
Application No.: 10/584,356)	Examiner: Satya B. Sastri
)	
Filed: May 14, 2007)	Confirmation No.: 9485
)	
For: SILICA-INTERCALATED)	
HYDROTALCITE, AND USE)	
THEREOF AS FILLER IN)	
POLYMER COMPOSITIONS)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In an Official Action dated June 9, 2009, the Examiner has indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

Group I: Claims 22-30, drawn to a hydrotalcite intercalated by silica;

Group II: Claims 31-34, drawn to a method of making hydrotalcite intercalated by silica; and

Group III: Claims 35-39, drawn to a (co)polymer composition comprising hydrotalcite intercalated by silica.

Accordingly, Applicant provisionally elects Group I, the subject matter of Claims 22-30, with traverse.

Since this application is a national stage filing of a PCT application under 35 U.S.C. § 371, lack of unity standards under the PCT apply. See, e.g., MPEP §802. The Examiner has stated on page 2 of the Official Action that "Groups I to III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features."

Applicants respectfully disagree. In this regard, it is noted that all claims (1-15) have already been searched in the corresponding PCT application, and no lack of unity was found.

The Restriction Requirement fails to even allege that Groups I and II, as well as Groups II and III, lack a common technical feature. Thus, the Restriction Requirement is clearly in error.

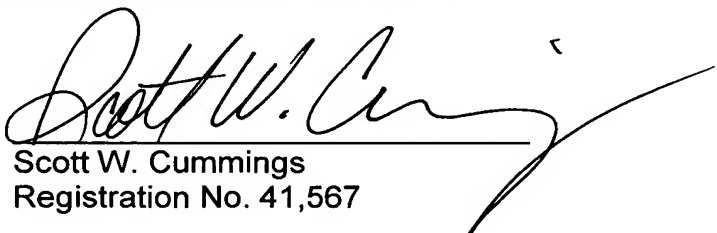
Accordingly, reconsideration and withdrawal of the aforementioned Restriction Requirement is respectfully requested. The provisional restriction is hereby made without prejudice to Applicants' right to file a divisional application or applications should the restriction and election requirements become final.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 9, 2009

By:


Scott W. Cummings
Registration No. 41,567

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620